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FISCAL IMPACT STATEMENT

LS 7172

BILL NUMBER: SB 280

NOTE PREPARED: Apr 13, 2009

BILL AMENDED: Apr 9, 2009

SUBJECT: Adoption.

FIRST AUTHOR: Sen. Lubbers

FIRST SPONSOR: Rep. L. Lawson

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: **X** GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill expands the definition of "pre-adoptive sibling".

The bill requires the clerk of courts to file a notice with the State Department of Health (SDH) concerning filings of petitions to establish paternity. It also requires SDH to provide: (1) certain information regarding filings of petitions to establish paternity; and (2) certain information not later than 5 days. (Current law requires the information be provided not later than 10 days.)

The bill requires a court in which a paternity action is pending to stay all proceedings in the paternity action upon notice that a court in which an adoption is pending has assumed jurisdiction of the paternity action.

This bill allows SDH to release information concerning putative father registrations to: (1) attorneys who represent mothers, putative fathers, and child placing agencies; and (2) child placing agencies that represent mothers and putative fathers. It allows an attorney, a licensed child placing agency, or a county office of family and children that contacts an adoptee or a birth parent upon a request to release identifying information if an adoptee who is at least 21 years of age and a birth parent consent. The bill makes clarifying and conforming changes to correspond with current law.

The bill also provides that a biological father's consent to the termination of the parent-child relationship is not required if the father consents to the termination in a certain manner before the birth of the child. It prohibits a child's mother from executing a consent to the termination of the parent-child relationship before the birth of the child.

Effective Date: July 1, 2009.

Explanation of State Expenditures: The bill establishes procedures for notifying parties involved in adoption proceedings and paternity actions. This bill will increase the workload of the State Registrar and the State Department of Health (SDH) to the extent they provide necessary information to requesting individuals. Increases in workload are expected to be accomplished within the current level of resources.

This bill will also increase the workload of the Department of Child Services (DCS) to provide contact information concerning pre-adoptive siblings when required parties involved agree to the release of the information. Increases in workload will depend on the number of requests for information where all necessary parties consent to the information's release.

Explanation of State Revenues: The State Department of Health reports that they currently charge a \$20 fee for adoption history information as found under IC 31-19-2-8. This bill may increase state revenue to the extent there is an increase in the number of requests for adoption history information.

Explanation of Local Expenditures: The legislation establishes that when an adoption is pending and a court has assumed jurisdiction of a paternity action, the court in which the paternity action is pending shall stay the paternity proceedings until further order from the adoption. This will help to minimize court caseload by giving priority to one case over the other. Actual decreases in court caseload will depend on the outcome of the adoption proceeding and if a paternity action that was issued a stay would be heard afterwards.

The bill also increases the workload of the local court clerk to provide information regarding putative father registrations, the establishment of paternity, and to receive notices from SDH. Actual increases in workload are indeterminable.

Explanation of Local Revenues:

State Agencies Affected: SDH, DCS.

Local Agencies Affected: Local courts.

Information Sources: Scott Zarazee, SDH, Corey Ealy, SDH; Ellen Holland, DCS; Ann Houseworth, DCS.

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